

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Emergency Regulation

Title of Regulation: **4VAC20-720. Pertaining to Restrictions on Oyster Harvest (amending 4VAC20-720-15, 4VAC20-720-40).**

Statutory Authority: §§ 28.2-201 and 28.2-210 of the Code of Virginia.

Effective Dates: February 25, 2015, through March 26, 2015.

Agency Contact: Jane Warren, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002, or email betty.warren@mrc.virginia.gov.

Preamble:

The amendments extend the public harvest oyster season dates for York River Rotation Area 1, Milford Haven, Deep Rock Area, Rappahannock River Area 8, and Pocomoke and Tangier Sounds Rotation Area 2 until March 13, 2015, and suspend the sale of oyster hand scrape and oyster dredge licenses until the Marine Resources Commission reinstates the sale of those licenses.

4VAC20-720-15. Control date.

A. The commission hereby establishes July 1, 2014, as the control date for management of all public oyster fisheries in Virginia. Participation by any individual in any public oyster fishery after the control date will not be considered in the calculation or distribution of oyster fishing rights should entry limitations be established. Any individual entering the public oyster fishery after the control date will forfeit any right to future participation in the public oyster fishery should further entry limitations be established by the commission.

B. The sale of oyster hand scrape and oyster dredge licenses shall be suspended until the commission reinstates the sale of those licenses.

4VAC20-720-40. Open oyster harvest season and areas.

A. It shall be unlawful for any person to harvest oysters from public and unassigned grounds outside of the seasons and areas set forth in this section.

B. It shall be unlawful to harvest clean cull oysters from the public oyster grounds and unassigned grounds except during the lawful seasons and from the lawful areas as described in the following subdivisions of this subsection.

1. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area: October 1, 2014, through April 30, 2015.
2. James River Area and the Thomas Rock Area (James River): November 1, 2014, through January 31, 2015.
3. York River Rotation Area 1: January 1, 2015, through ~~February 28, 2015~~ March 13, 2015.
4. Milford Haven: December 1, 2014, through ~~February 28, 2015~~ March 13, 2015.
5. Deep Rock Area: December 1, 2014, through ~~February 28, 2015~~ March 13, 2015.
6. Rappahannock River Rotation Area 1: October 1, 2014, through November 30, 2014.
7. Rappahannock River Rotation Area 6: November 1, 2014, through December 31, 2014.

8. Rappahannock River Area 7: December 1, 2014, through January 31, 2015.
9. Rappahannock River Area 8: January 1, 2015, through ~~February 28, 2015~~ March 13, 2015.
10. Rappahannock River Area 9: November 1, 2014, through December 31, 2014.
11. Great Wicomico River Area: December 1, 2014, through January 31, 2015.
12. Upper Chesapeake Bay - Blackberry Hangs Area: December 1, 2014, through January 31, 2015.
13. Little Wicomico River: October 1, 2014, through December 31, 2014.
14. Coan River: October 1, 2014, through December 31, 2014.
15. Yeocomico River: October 1, 2014, through December 31, 2014.
16. Nomini Creek: October 1, 2014, through December 31, 2014.
17. Pocomoke and Tangier Sounds Rotation Area 2: December 1, 2014, through ~~February 28, 2015~~ March 13, 2015.
18. Seaside of the Eastern Shore (for clean cull oysters only): November 1, 2014, through March 31, 2015.

C. It shall be unlawful to harvest seed oysters from the public oyster grounds or unassigned grounds, except during the lawful seasons. The harvest of seed oysters from the lawful areas is described in the following subdivisions of this subsection.

1. James River Seed Area: October 1, 2014, through May 31, 2015.
2. Deep Water Shoal State Replenishment Seed Area: October 1, 2014, through May 31, 2015.